

Richard P. Garden Jr.

From: Brian Koerwitz <BKoerwitz@eptlawfirm.com>
Sent: Tuesday, November 12, 2024 2:06 PM
To: Richard P. Garden Jr.
Cc: Jim Titus
Subject: RE: depositions of Farm Credit representatives
Attachments: Stipulation Re- FCS Lien Position.docx



Dick, per our call, I will reach out to my client to look for dates between now and the end of December. In addition, I understand your position that Rabo is not currently pursuing a claim against FCSA and is not asserting that FCSA's lien does not have priority. You have made this point clear previously. However, as I indicated, there is concern of potential prejudice to FCSA if a judgment is entered in the adversary proceeding. In that regard, I have attached a proposed stipulation for your review, which states that FCSA's lien has priority. If you would like to propose language to narrow the stipulation, I would be happy to review your edits.

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From: Richard P. Garden Jr. <RGarden@CLINEWILLIAMS.COM>
Sent: Monday, November 11, 2024 10:11 AM
To: Brad Easland <beasland@neattys.com>; Goodman, Lauren <LGoodman@mcgrathnorth.com>; Brian Koerwitz <BKoerwitz@eptlawfirm.com>
Cc: Phil Kelly <pkelly@scottsbufflaw.com>; Brad.Bakker@raboag.com
Subject: depositions of Farm Credit representatives

Counsel:

I will take the depositions of Andy Pfeifer, Colin Freeman and Jonathan Bohling and perhaps Mandy Hoistad, in connection with the two adversary proceedings.

Ms. Hoistad prepared the appraisal for Farm Credit Services of American dated March 11, 2022, in connection with the financing provided by Farm Credit to Dillan and Michelle Zuhlke. Unless we can stipulate as to the receipt of this appraisal into evidence, we can

stipulate to a telephonic deposition of Ms. Hoistad pursuant to Rule 30(a)(4) or we can have the court consider whether the deposition may be taken telephonically.

Mr. Bohling is a Farm Credit employee that signed the appraisal for Farm Credit dated December 20, 2021, in connection with the financing provided by Farm Credit to Derek and Kimberly Zuhlke. I believe Mr. Bohling is located in Lincoln and we can take that deposition in Lincoln.

Mr. Freeman is a Farm Credit employee who I believe offices in Pierce, Nebraska. Brian, would Mr. Freeman be willing to travel to Lincoln for his deposition?

Finally, I understand that Mr. Pfeifer is a Farm Credit employee who I believe offices in Norfolk, Nebraska. Brian, would Mr. Pfeifer be willing to travel to Lincoln for his deposition?

Please let me know about the telephonic deposition of Mandy Hoistad as well as the location(s) of the other depositions. I would like to get dates for these before the end of the year. It may be best if we schedule a conference call this week to discuss dates, locations and the necessity for Ms. Hoistad's deposition. Let me know when you are available for a call.

Dick

CLINE WILLIAMS

RICHARD P. GARDEN, JR. | Partner

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